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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,521	08/23/2001	Yasushi Isami	TD-US000367	8144
22919	7590	01/27/2004		
SHINJYU GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680				
			EXAMINER	
			CHARIOUI, MOHAMED	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,521

Applicant(s)

ISAMI, YASUSHI

Examiner

Mohamed Charioui

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 26, 27 and 30-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-12, 15-24, 26, 27 and 30-40 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Applicant canceled claims 25, 28 and 29.
2. The correction to the drawing filed 10/31/03 is approved by Examiner.

Claim Objections

3. **Claims 38 and 40** are objected to because of the following informalities: in page 22, line 15 and line 22 of the amendment, the Applicant recites "a WWW server for storing a patient data". WWW is a system for accessing a server and is not a server. Applicant should change "WWW server" to –web server—or to –a server permitting access to the World Wide Web. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-7, 10-12 and 15-24, 26, 27 and 30-40** are rejected under 35 U.S.C. 102(e) as being anticipated by Goodman (U.S. 6,616,613).

As per claims 1, 3, 5 and 30-32, Goodman teaches a measurement step of obtaining measurement data by means of a measurement device (i.e. processor means 14) for a subject's in vivo test and/or in vitro test (see col. 4, lines 1-11), a first transmission step of transmitting the measurement data from the measurement device

Art Unit: 2857

to an analysis device via a network (see col. 4, lines 5-20), a first receiving step of receiving the measurement data by the analysis device (see col. 4, lines 14-20), an analysis step of analyzing the measurement data by the analysis device to obtain analytical data (see col. 34, lines 8-41), a second transmission step of transmitting the analytical data from the analysis device, via the network, to the measurement device, and a second receiving step of receiving the analytical data by the measurement device (col. 4, lines 13-21).

As per claims 2, 4 and 6, Goodman further teaches that the first transmission step includes a step of associating a communication address of said measurement device with said measurement data (see line 60 to col. 34, line 7).

As per claim 7, Goodman further teaches that the receiving means further receives identification information and test items for the subject that are associated with the measurement data, and the transmission means transmits the identification information of the subject and the test items associated with the measurement data (see col. 33, line 60 to col. 34, line 7).

As per claims 10, 15-17, 22-24, 26, 27 and 33, Goodman further teaches connection means for connecting, via a network, a measurement device that conducts measurements for a subject's in vivo test and/or in vitro test and calculates measurement data, receiving means for receiving the measurement data from the measurement device via the connection means (see col. 4, lines 1-11), analysis means for conducting an analysis of the measurement data, and calculating analytical data (see col. 34, lines 8-41), and transmission means for transmitting, via the connection

Art Unit: 2857

means, the analytical data to an output device that outputs the analytical data (col. 4, lines 13-21).

As per claims 11, 18 and 21, Goodman further teaches receiving means receives a communication address of the measurement device and associates said communication address with the measurement data (see col. 33, line 60 to col. 34, line 7).

As per claims 12, 19 and 20, Goodman further teaches that the receiving means further receives identification information and test items for the subject that are associated with the measurement data, and the transmission means transmits the identification information of the subject and the test items associated with the analytical data (see col. 33, line 60 to col. 34, line 7).

As per claims 34-40, Goodman further teaches an analysis device to be connected via a network to the measurement device; wherein the measurement device comprises measurement means for conducting measurements for a subject's in vivo test and/or in vitro test and for obtaining measurement data (see col. 4, lines 1-20), first connection means for connecting the measurement means to the analysis device, via the network, and first transmission means for transmitting, via the first connection means, the measurement data to the analysis device (see col. 4, lines 1-20), and the analysis device comprises second connection means for connecting, via the network, the measurement device, receiving means for receiving the measurement data from the measurement device via the second connection means (see col. 4, lines 14-20), analysis means for conducting an analysis of the measurement data, and obtaining

Art Unit: 2857

analytical data (see col. 34, lines 8-41), and second transmission means for transmitting, via the second connection means, the analytical data to the measurement device (see col. 4, lines 1-37).

Allowable Subject Matter

5. **Claims 8, 9, 13 and 14** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 8 and 13, none of the prior art of record teaches or suggests that the receiving means further receives device identification information that identifies a class of the measurement device and the measurement data associated therewith, and selection means for selecting an analysis method corresponding to the class of the measurement device from amongst the stored analysis methods, and for applying the selected analysis method to analysis of the measurement data in combination with the rest of the claim limitations.

Regarding claims 9 and 14, none of the prior art of record teaches or suggests determination means for determining items billed to the manager of the measurement device based on the contract conditions and the usage results in combination with the rest of the claims limitations.

Response to Arguments

Art Unit: 2857

6. Applicant's arguments with respect to claims 1-24, 26 and 27 have been considered but are moot in view of the new ground(s) of rejection.

Contact information

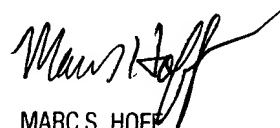
7. Any inquiry concerning this communication from examiner should be directed to Mohamed Charioui whose telephone number is 703 605-4362. The examiner can normally be reached Monday to Friday 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached at 703 308-1677. The fax phone number for the organization where this application is assigned is 703 305-3431.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose number is 703 308-0956.

Mohamed Charioui

1/12/04


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
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